

**TOWN OF HAMILTON
BOARD OF SELECTMEN
APRIL 1, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, April 1, 2013 with David Neill, Marc Johnson, Jennifer Scuteri, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena, Town Clerk Jane Wetson and Town Moderator Bruce Ramsey also present.

Call to order

Chair David Neill called the meeting to order at 7:00 p.m.

Public Comment

None.

Town Manager's report

Town Manager Michael Lombardo introduced Dave Hanlon, the interim DPW director who will work with the Town through the recruitment process to hire a new DPW director to replace John Tomasz who left to take a similar position in Salem. The application process for the post is underway with many resumes received so far and panel interview will be held soon to hire permanent director. Lombardo, Neill and Jeff Hubbard commended Hamilton Fire Department and public safety crews for yeoman's work with house fire in Town on March 23.

Chairman/Selectmen reports

Jennifer Scuteri emphasized the importance of Selectmen being able to participate remotely in Board meetings when they are out of Town. At this point Selectmen can call in but emphasized that we should be looking into technology to allow fuller participation. She also mentioned the progress being made at building on Hansbury site, and noted that water infrastructure project is underway in Town. Also, she acknowledged that this year the HWRSD communities are in support of the regional school budget for next year and that Hamilton and Wenham would be sharing the same day this year for Annual Town Meetings.

Consent Agenda

Neill apologized to Anthony P. Duignan who had expressed interest in serving as Veterans Graves Officer for the Town because it was recently realized that the position is already filled.

Neill read the details about the items in the Consent Agenda:

Permission to hold Event:

- **Fast Chicks 5k Race** – Mother's Club seeks permission to hold 2nd Annual Fast Chicks 5k Race on Saturday, May 4, 2013.
- **One Day Liquor Licenses** – Gourmet Delights Catering, Inc. for an event at the Community House on April 13, 2013; and for an event at the Community House on May 4, 2013.
- **Accept Donations for Patton Park Playground – Brick Campaign:** \$100 from Jessica K. Auchterlonie.
- **Release of Executive Session Minutes – June 25, 2012**

Neill entertained a motion to approve the Consent Agenda as read. Hubbard so moved. Jeff Stinson seconded motion. VOTE: Unanimous.

Action Items

Full review and finalization of all **Warrant Articles** and **Appendices** scheduled for Annual Town Meeting on Saturday, April 6, 2013. Town Moderator Bruce Ramsey led Selectmen discussion.

Town Moderator Bruce Ramsey noted that Article 1-1: Election of Officers: authorized the ballot for the Town election on April 11, 2013.

Article 1-2: Reports: John McWane, Chair for Finance & Advisory Committee, David Neill, Chair for Selectmen, and Town Manager Michael Lombardo. Neill will make the motion. Items addressed will include: Town's financial report including trash program savings, update on Patton property, and background on Essex North Shore Agricultural Technical High School debt and ballot question.

Article 1-3: Article for Consent Motion: This motion includes Articles 2-1: Appropriation Transfer from Overlay Surplus to FY09 Allowance for Abatements & Exemptions, 2-2: Appropriation Transfer from Overlay Surplus to FY13 Short-Term Interest Expense, 2-3: Appropriation Transfer from Insurance Reimbursement to the General Fund and Finance Reserve Fund, 2-8: Close Unemployment Fund, 2-9: Compensation/Classification Table, 2-11: Water Enterprise Budget, 2-16: Annual Authorization of Revolving Funds, and 2-17: OPEB Trust Fund. Marc Johnson will make the motion on the consent motion and if there is a hold he will make the motions on all of the articles separately.

Article 2-4: Prior Year Bill – Chebacco Woods Land Swap: This motion addresses an expense accrued in a prior fiscal year for which insufficient appropriation was made. This motion requires a 4/5ths vote for approval. Hubbard will make the motion.

Article 2-5: Rescind Borrowing and Authorize Transfer of Free Cash for DPW Expenses: A transfer from Free Cash will be used to pay for DPW truck and Howard Street culvert reconstruction that will rescind previous Town Meeting vote to borrow funds for these purposes. McWane will make the motion. Lombardo will speak to the motion.

Article 2-6: Appropriation Transfer from Free Cash to Hamilton Development Corporation: \$82,000 will be transferred from Free Cash that was from Meals Tax revenue. Brian Stein, Hamilton Development Corporation, will make the motion.

Article 2-7: Appropriation Transfer Surplus from Prior Year Article to Hamilton Development Corporation: Funds previously held by Economic Development Committee and left over from Town's sale of Depot Square land will be transferred to Hamilton Development Corporation. Stein will make motion.

Article 2-10: General Town Appropriations: McWane will make motion on Article 2-10 as a whole and if any items are held, he will make separate motions. McWane will make the motion on HW School District budget. Discussion ensued about proposed changes with Council on Aging director. Lombardo explained details and described how transportation for seniors agreement is nearly complete that would change use of elder van but transportation for elders would still be provided and more extensively. In addition, the senior transportation service could include Saturday service if Wenham joins new transportation proposal.

Article 2-12: Waste Reduction Enterprise Budget: Jennifer Scuteri to make motion.

Article 2-13: North Shore Regional Vocational School District Budget: David Ketchum will make the motion.

Article 2-14: Annual Financial Actions: Finance Director Deborah Nippes-Mena explained that this article was removed from the Consent Motion since it is dependent upon the Town budget. Neill will make the motion.

Article 2-15: Community Preservation Budget: Tom Catalano, Chair of Historic District Commission, will make the motion.

Article 2-18: Hamilton Development Corporation: Stein will make the motion.

Article 2-19: Essex North shore Agricultural and Technical High School Debt and Ballot Question: No action will be taken on this article. Ketchum will present information that explains continued need for ballot question.

Article 3-1: Renew Senior Housing By-law: Planning Board Chair Peter Clark will make the motion. This motion requires a 2/3rds vote.

Article 4-1: Replace Dog By-law: Scuteri will make the motion.

Article 5-1: Petition to Legislature Concerning Water Liens: Johnson will make the motion.

Article 5-2: Renew Senior Citizen's Tax Exemption: Hubbard will make the motion.

Article 5-3: Acceptance of G.L. C. 59, Section 57D Notification to Assessors: Neill will make motion to take no action on the article.

Article 5-4: Discontinuance of Gifford Road: Johnson will make motion. Article requires a 2/3rds vote.

Article 6-1: Free Cash Application: McWane will make the motion.

Candidates for board of Hamilton Development Corporation

Discussion ensued about credentials of candidates Charles Chivakos and Anthony Nickas for the open seat on the Hamilton Development Corporation. Also addressed was important role Chivakos is currently serving on FinCom. Neill noted that the HDC is sensitive to the needs of downtown merchants.

Johnson mentioned that the Town has been trying to put in place implementation capacity for redeveloping the downtown for nearly eight years. The HDC serves this purpose.

Neill entertained a motion for the Board to appoint Anthony Nickas to the Hamilton Development Corporation. Hubbard so moved. Stinson seconded the motion. VOTE: Unanimous.

Update on talks with Gordon Conwell Theological Seminary

Neill updated the Board on his meeting with Gordon Conwell Theological Seminary President Dennis Hollinger and Vice President of Finance Jay T. that occurred a week ago. The discussion was to lay ground rules regarding conversations with seminary about gift that is given annually to the Town. He explained that GCTS is not interested in a formal P.I.L.O.T. program but will continue consideration of voluntary donation to Town.

Neill outlined the ground rules that included when Town officials meet with seminary officials it would be as a whole Board of Selectmen in a private meeting that is not open to the public and press, and there would not be any specific agenda items. He added that the seminary requested that this would not be a formal Selectmen's meeting with deliberation. Neill explained that the GCTS wants to meet privately as a private institution and he told the seminary officials that the Board could not meet that way unless it did not deliberate.

Lombardo noted that the Board could meet with GCTS to listen and receive information, and ask clarifying questions. Any deliberation would happen later in a public Board meeting. Discussion ensued about whether or not the public could be assured there was no deliberation at a private meeting with GCTS. Lombardo mentioned that the Open Meeting Law does not prohibit the Board from being in the same location (i.e., it can attend functions), deliberating becomes the issue.

Scuteri and Stinson expressed disfavor towards idea of a private meeting between Board and seminary officials. Johnson said the purpose of the meeting is so close to the public purpose versus for social reason.

Neill referred to an email he received from GCTS president after meeting with him stating that GCTS' president, vice president of finance and legal counsel were willing to meet with the Hamilton Selectmen with the understanding that

this is not a negotiation but opportunity for GCTS to explain its situation and position. The Board would gather in open session to discuss and describe to public what occurred at meeting.

Discussion ensued about how it would be difficult for Board not to deliberate in meeting with seminary officials. Scuteri suggested two Selectmen attend the meeting once Board has decided its position and listened to what GCTS says.

Hubbard noted that there are new GCTS people involved that Board members could listen to. He referred to history of Hamilton residents and officials having similar meetings with GCTS that is documented in a notebook. He said the cost of educating children has caused the need for the discussion with the seminary. He thought the meeting should include conversation to move the situation forward and make a change since there is frustration in community about this going on without any resolution relative to the cost of educating children.

Hubbard said the intent is to less the burden. He described how Gordon College is billed by Wenham for all of the false fire alarms that municipality receives from the college. Discussion ensued about Pingree School and police and fire calls and need for consistency by the Town with all of the non-profit institutions.

Scuteri mentioned how 65% of property tax bill goes to HWRSD with 35% going to Town as part of providing public services. She added that for years GCTS contributed a \$35,000 gift annually and added on \$65,000. Hubbard summarized details about a past letter from GCTS where the seminary agreed to pay tuition for seminarians' children to be educated in the HWRSD, and it was not authorized but the seminary did pay tuition for three years commensurate with the number of children in the public school system. He added that the number of children grew and GCTS ran out of funds and did not pay Town for a few years.

Scuteri suggested that (based on their \$100,000 gift to the Town) GCTS is not going to pay more than about 8% of the costs to educate children in the public school system. While many households will never fully pay for the cost to educate their children (through property taxes), they pay a lot more than 8% of the costs over their time of residency in Hamilton. Discussion ensued as initiated by Hubbard about \$5,000 choice student tuition plus actual SPED costs of \$3,000 equaling \$8,000 being the cost to educate each seminary child and that the seats could be filled with choice students as determined by HW School Committee.

Neill summarized that the full Board is not going to meet with GCTS to listen to seminary officials to comply with GCTS request to listen to explanation. Scuteri suggested that after the meeting occurs the Board could develop a position on the situation that could be presented to GCTS at a later date. Johnson concurred and recommended the Board look at incremental costs. Hubbard said the Town is looking for action after this meeting and suggested a second meeting would be a negotiation. Neill said at the Selectmen's next meeting on April 8, the Board would arrive at which Selectmen would go to a meeting with GCTS officials and a determination made on what action Selectmen would take when the Board members return from GCTS meeting that has not been scheduled yet.

Discussion ensued with Hamilton residents Margot Killoran and Edwin Howard who expressed their interest in the Board reviewing the history of what has occurred between Town and GCTS and their view that action should be taken to move the situation forward. Killoran noted that tax code allows GCTS not to pay property taxes and federal law mandates that the Town provide public education for children living in Hamilton. William Dery, Chebacco Road, suggested the Board have representatives from the HW School Committee who have knowledge about the school costs incurred by Hamilton due to educating seminarian children participate in the process.

Next Meeting: April 8

Discussion ensued about how BANS would be signed on April 22. The Board addressed preparation for Town manager's evaluation where a checklist organized by Johnson and Neill would be sent to Selectmen via email so they could provide input and comments. The evaluation results would be synthesized for a discussion with Lombardo. Johnson and Neill will meet with Lombardo during week to finalize evaluation details. Scuteri suggested other items for the April 8 Board meeting including HDC, Pirie property, Board's goals and objectives. Johnson noted that the committee analyzing the Town's interest in the Pirie property is driving production of work product to reach a decision soon.

Neill entertained a motion for the Board of Selectmen to adjourn at 9:04 p.m. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____

Clerk



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**SIGN
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